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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,906	04/08/2004	Andrew J. Griffis	6098.102US	8849

7590 10/31/2008

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EXAMINER	
BHARADWAJ, KALPANA	

ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
10/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/820,906	GRIFFIS ET AL.	
	Examiner	Art Unit	
	KALPANA BHARADWAJ	2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *32-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *32-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to a Request for Continued Examination filed Aug 11, 2008 for application number 10/820906.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Aug 11, 2008 has been entered.

Status of Claims

3. Claims 32-39 are pending. Claims 1-31 are cancelled.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfeiffer (USPN 5960097, referred to as **Pfeiffer**), and further in view of Ghazarian (USPN 20020104013, referred to as **Ghazarian**).

Claim 32:

Pfeiffer teaches a system for use in managing activity of interest within an enterprise, comprising a computer having a model for tracking objects in a scene related to the enterprise and configured to

(i) access key activity data comprising object data related to the features, locations, and activity of an object relative to other physically and visually distinct objects in a scene related to the enterprise (**Pfeiffer,** Abstract: earth and space, detect missiles, aircraft … resident space objects).

(ii) receive sensor data that is taken in by a sensor of a predetermined scene related to the enterprise (**Pfeiffer,** C10L21-40: acquisition sensor data),

(iii) extract solely from the sensor data changes that enables separation of foreground and background objects, localization of object features, and connection of object features that should be connected (**Pfeiffer,** Abstract: target is separated from background scene),

(iv) classify the extracted objects in plurality of classes of objects of different features, shapes, and behavioral patterns (**Pfeiffer,** C78L60-65: classify the data set),

(v) determine whether an object is new to the object data in the computer and if so initiating tracking of the object and if the object exists as object data in the computer

updating a track of the object (**Pfeiffer,** C64L25-50: Target Track Update algorithm), and update the computer model in accordance with the foregoing (**Pfeiffer,** C55-60: Tracking Object Classification), and

(vi) compare object data to key activity data to determine whether to generate a key activity message (**Pfeiffer,** C02L35-40: Generate Second platform Cue Message algorithm).

Pfeiffer does not teach human activity, human object, extracting human objects and movement. However, Ghazarian teaches human activity, human object, extracting human objects and movement (**Ghazarian**, ¶ 0008: human bodies; ¶ 0017: detection of human presence; ¶ 0014: personnel directional movement). Pfeiffer and Ghazarian are from the same field of endeavor, tracking and object classification. It would have been obvious to one of ordinary skill in the art to have modified Pfeiffer's tracking system with human objects for the benefit of personnel tracking that could be deployed extensively in Homeland Security applications.

Claim 33, 36:

Pfeiffer modified by Ghazarian teaches a system as defined in claim 32, wherein the computer is configured to make a preliminary determination from the sensor data as whether to extract from the sensor data one or more human objects (**Ghazarian**, ¶ 0008: human bodies) and the state of activity for each human object (**Pfeiffer,** C33L10-20: Correlated Double Sampling algorithm … Visible Sensor data) with respect to the

state of activity of other physically distinct objects in the sensor data, irrespective of objective compliance (**Pfeiffer,** C60L05-10: determine the exact time and position).

Claim 34, 37:

Pfeiffer modified by Ghazarian teaches a system as defined in claim 33, wherein in extracting from the sensor data the human object and the state of activity for the human object with respect to other physically distinct objects in the sensor data, irrespective of object compliance, the computer is configured to determine if the human object has been previously extracted from sensor data or is being initially extracted from the sensor data (**Pfeiffer,** C33L10-20: Correlated Double Sampling algorithm; **EN:** One of the results of the 'correlation' algorithm is to figure out if the data had been previously extracted).

Claim 35:

Pfeiffer modified by Ghazarian teaches a system as defined in claim 34, wherein the computer is configured (**Pfeiffer,** C22L34-50: capability of the ODP 43 to configure its operation) such that after the computer has processed the key activity data and the extracted human object data and determined whether to produce output that is related to the key activity (**Pfeiffer,** C80L20-40: Information for reporting ... related in-track peak), the computer is configured to receive additional sensor data taken in by the sensor of the predetermined scene related to the enterprise (**Pfeiffer,** C91L50-55: Scene-Based Offset Calibration algorithm), extract from the additional sensor data a

human object and the state of activity for the human object with respect to the state of activity for other physically distinct objects in the sensor data, irrespective of object compliance, and process the key activity and the extracted data from the additional sensor data and determine whether to produce output that is related to the key activity (**Pfeiffer,** C01L20-25: Operation of Acquisition Sensor).

Claim 38, 39:

EN: Claims 38 and 39 are substantially similar in content to claims 32-35, and hence the same rejections apply. They have been left out here for brevity.

Response to Argument

6. The applicant's arguments are moot considering the new grounds of rejection.

Examination Considerations

7. Examiner has cited particular columns and line numbers or paragraph numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or

part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. The entire reference is considered to provide disclosure relating to the claimed invention.

Conclusion

8. Claims 32-39 stand rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KALPANA BHARADWAJ whose telephone number is (571)270-1641. The examiner can normally be reached on Monday-Friday 7:30am 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharadwaj Kalpana/
Examiner, Art Unit 2129
/David R Vincent/
Supervisory Patent Examiner, Art Unit 2129